

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**June 15, 2009**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Nicholson, Associate Justice; Hull, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

**C057652 THE PEOPLE v. CEDRIC HART et al.**

Cause called. Robert Navarro, court appointed counsel, argued for appellant Cedric Hart. Marcia Clark, court appointed counsel, argued for appellant Tyrone Joseph Rayford. Michael Dolid, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:10 a.m., the court recessed. At 10:10 a.m., the court reconvened.

**C058817 EPIDAUROS v. STATE OF CALIFORNIA ex rel. DEPARTMENT OF  
CORRECTIONS AND REHABILITATION**

Cause called. James Polish argued for appellant. Seth E. Goldstein, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:39 a.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C060284 THE PEOPLE v. PAREN HASMUKHBHAI PATEL**

Cause called. Richard J. Krech argued for appellant. Kenneth N. Sokoler, Deputy Attorney General, argued for respondent. Cause submitted.

**C060210 THOMPSON et al. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY;  
MAXIM CRANE WORKS, L.P.**

Cause called. Carl J. Calnero argued for appellant. Jerri Ryan argued for respondent. Cause submitted.

At 2:49 p.m., the court recessed until 9:30 a.m., Tuesday, June 16, 2009.

**C057232 THE PEOPLE v. DWAYNE MEREDITH (Certified For Publication)**

The judgment is affirmed.

HULL, J.

We Concur: Nicholson, Acting P.J.  
Robie, J.

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**Court Minutes**

**June 15, 2009, Continued**

- C059868      THE PEOPLE v.      (Not For Publication)**  
**OSCAR ARMANDO OCHOA**  
The judgment is reversed and the matter remanded to the trial court for an evaluation of defendant's eligibility for deferred judgment under Penal Code section 1000.  
RAYE, J.  
We Concur: Scotland, P.J.  
Butz, J.
- C059230      In re MILES H.; THE PEOPLE v.      (Not For Publication)**  
**MILES H.**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Nicholson, J.
- C060334      In re T.H.; THE PEOPLE v. T.H.      (Not For Publication)**  
The order of the juvenile court is affirmed.  
BLEASE, J.  
We Concur: Scotland, P.J.  
Robie, J.
- C060428      In re K.C.; PLACER COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. L.C.**  
The judgment is affirmed. The juvenile court is directed to correct its minute order from the disposition hearing to reflect that the minor has zero days of credit for the time served. The court shall forward a certified copy of the corrected minute order to the officer having custody of the minor.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Raye, J.
- C058566      THE PEOPLE v. DARA KHUN**  
**BY THE COURT:**  
Appellant's petition for rehearing is granted. The decision filed on May 18, 2009, is vacated.  
NICHOLSON, Acting P.J.

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**Court Minutes**

**June 16, 2009**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Harper, bailiff.

**C056911      HINTON v. BECK et al.; GRANGE INSURANCE GROUP et al.**

Cause called. Lois A. Lindstrom argued for appellant. Dugan Barr argued for respondent. Cause submitted.

At 9:51 a.m., the court recessed. At 9:53 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C056383      FERGUSON v. FOGGY**

Cause called. Michele K. Trausch argued for appellant. Jay-Allen Eisen argued for respondent. Cause submitted.

At 10:28 a.m., the court recessed. At 2:00 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C058479      SHAW etc., et al. v. CHIANG etc., et al.**

Cause called. Richard D. Martland argued and Kurt R. Oneto appeared only for appellant. Daniel J. Powell, Deputy Attorney General, argued and Constance L. LeLouis appeared only for respondent. Cause submitted.

At 2:45 p.m., the court recessed. At 2:48 p.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C057408      THE PEOPLE v. RONALD KENT**

Cause called. Susan K. Keiser, court appointed counsel, argued for appellant. John G. McLean, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:11 p.m., the court recessed until 9:30 a.m., Wednesday, June 17, 2009.

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**Court Minutes**

**June 16, 2009, Continued**

**C059090      THE PEOPLE v.      (Not For Publication)**  
**CLIFFORD ABERAM MCDOWELL**

The trial court is directed to stay, per Penal Code section 654, the two-year prison sentence imposed on count two, amend the abstract of judgment accordingly, and deliver a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

NICHOLSON, J.  
We Concur:    Blease, Acting P.J.  
                     Sims, J.

**C060651      THE PEOPLE v.      (Not For Publication)**  
**JAMES ANTHONY COSTANZA**

If it has not already done so, the trial court shall prepare an amended abstract of judgment that reflects a total of 224 days of presentence custody (150 actual, plus 74 conduct) credit. A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

BUTZ, J.  
We Concur:    Sims, Acting P.J.  
                     Hull, J.

**C058169      In re TOMMY H., JR.; TEHAMA COUNTY      (Not For Publication)**  
**DEPARTMENT OF SOCIAL SERVICES v.**  
**TOMMY H., JR.**

The orders of the juvenile court are affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:    Scotland, P.J.  
                     Sims, J.

**C059648      In re D.L.; THE PEOPLE v. D.L.      (Not For Publication)**

Special probation condition No. 3 is stayed. The matter is remanded to the juvenile court for further proceedings consistent with this opinion.

HULL, J.  
We Concur:    Raye, Acting P.J.  
                     Robie, J.

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We Concur: Blease, Acting P.J.  
Robie, J.

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**Court Minutes**

**June 18, 2009**

- C056995      THE PEOPLE v.      (Not For Publication)**  
**CARSON CURTIS BORDERS**  
The matter is remanded to the trial court to either strike the prior prison term enhancement or impose it consecutively. In all other respects, the judgment is affirmed.  
HULL, J.  
We Concur: Scotland, P.J.  
Butz, J.
- C058818      THE PEOPLE v.      (Not For Publication)**  
**JULIO CEASAR CALDERON**  
The judgment is affirmed.  
RAYE, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C057533      COLLINS v. STATE OF CALIFORNIA      (Not For Publication)**  
**et al.**  
The judgment is affirmed.  
RAYE, Acting P.J.  
We Concur: Hull, J.  
Butz, J.

**June 19, 2009**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Hull, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

- C058791      Estate of EIGORO YAMAMOTO, Deceased; YAMAMOTO v. YAMAMOTO, et al.**  
Cause argued. Submission deferred. Mark A. Pruner argued for defendants and appellants. Junji Suzuki argued for plaintiff-respondent. Edward S. Miyauchi appeared only for respondent. Submission deferred pending possible supplemental briefing.
- At 10:20 a.m., the court recessed. At 10:23 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

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**Court Minutes**

**June 19, 2009, Continued**

**C057567      SHINN v. SHERRILL**

Cause called. Peter J. Hirsig argued for appellant. Stanley P. Fleshman argued for respondent Cause submitted.

At 10:45 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C057283      SCHENK v. CALDER**

Cause called. Donald W. West argued for appellant. Herman Franck, Esq., argued for respondent Cause submitted.

At 2:28 p.m., the court recessed. At 2:31 p.m., the court reconvened with Sims Associate Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C053893      RIDGEWOOD ASSOCIATES, INC., et al. v. EISEMAN ET AL.**

Cause called. Jeremy J. Nork argued for appellant. Michael J. Matteucci argued for respondent Cause submitted.

At 3:01 p.m., the court recessed until 9:30 a.m., Monday, June 22, 2009.

**C058906      THE PEOPLE v.  
RONALD PAUL ROWELL**

**(Not For Publication)**

The judgment is affirmed.

HULL, J.

We Concur: Raye, Acting P.J.

Cantil-Sakauye, J.

**C059400      THE PEOPLE v.  
ARTHUR AGUILAR ESTRADA**

**(Not For Publication)**

The judgment is modified to order defendant to pay the court security fee of \$20. ... As modified, the judgment is affirmed. ...

SCOTLAND, P.J.

We Concur: Hull, J.

Robie, J.

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**Court Minutes**

**June 19, 2009, Continued**

- C059803      THE PEOPLE v.      (Not For Publication)**  
**WESLEY CLAY BATTEN**  
The judgment is affirmed.  
HULL, J.  
We Concur: Raye, Acting P.J.  
Cantil-Sakauye, J.
- C058396      COUNTY OF SACRAMENTO v. SANDISON et al.**  
**BY THE COURT:**  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.
- C059012      AGARD v. MILLER et al.      (Not For Publication)**  
**THE COURT:**  
It is ordered that the opinion filed herein on May 28, 2009, be modified...  
There is no change in the judgment.  
Appellant's petition for rehearing is denied.  
RAYE, Acting P.J.  
Hull, J.  
Butz, J.
- C059192      In re THOMAS HOVANSKI      (Certified For Publication)**  
**on Habeas Corpus.**  
The petition for writ of habeas corpus is denied. The order to show cause  
is discharged.  
BUTZ, J.  
We Concur: Scotland, P.J.  
Sims, J.